MILKING THE TRUTH WITH GE HORMONES

Monsanto and Fox TV went to great lengths to deny the public's right to know about the effects of GE growth hormones on dairy cows and their milk.

© by Jane Akre & Steve Wilson

From the *BGH Bulletin* website www.foxBGHsuit.com

In the June–July 1998 issue (5/04), we ran a Global News item entitled "The Cancer Risks from rBGH in Milk". It reported on the health risks to cows treated with the genetically engineered bovine growth hormone rBGH (or bovine somatotropin, rBST) to increase their milk production, and the potential dangers to humans from drinking milk from these cows. It also discussed the sacking in December 1997 by Fox TV of Jane Akre and Steve Wilson, award-winning journalists who had produced a series of reports exposing the prolific use of Monsanto-manufactured rBGH in Florida's dairy cows and the link between rBGH and cancer.

Following representations by Monsanto's lawyers, Fox cancelled the series three days before the first broadcast scheduled for February 24, 1997, then tried to water it down, offering to pay the two reporters if they would leave the station and "keep mum" about what Fox had done to their work. Akre and Wilson twice refused big-money deals and filed a landmark lawsuit on April 2, 1998. They also survived three attempts by Fox to have their case summarily dismissed.

BGH Bulletin reports that after a five-week trial and six hours of deliberation, which ended on August 18, 2000, a Florida state court jury unanimously determined that Fox "acted intentionally and deliberately to falsify or distort the plaintiffs' news reporting on BGH". In that decision, the jury also found that Jane Akre's threat to blow the whistle to the FCC on Fox's misconduct was the sole reason for the termination. The jury awarded awarded US\$425,000 in damages, making her eligible to apply for reimbursement for all court costs, expenses and legal fees. This is the first time journalists have used a whistle-blower law to seek legal redress for being sacked for refusing to distort the news.

In April 2001, Jane Akre and Steve Wilson were honoured with a Goldman Environmental Prize, one of the world's most prestigious environmental awards, for their courageous efforts to expose the potential threat to public health from rBGH.

The following audio-video script contains parts I and II of the four-part "Reporters' Version" (Version 29, lawsuit Exhibit R), which is the story Akre and Wilson wanted to tell but which Fox TV would never broadcast. The "Fox-mandated Version" of the script (Version 28, lawsuit Exhibit Q) contains comments from the journalists, detailing the lies, distortions and slanting of the story to which Steve and Jane consistently objected. These comments are interspersed through the Reporters' Version below in sections of bold type. The full text of both versions is available at the *BGH Bulletin* website, www.foxBGHsuit.com

- Editor

PART I

Sound: (Milk being poured into glass)

Narration 1: Nature's most nearly perfect food—that's how most of us have always thought of milk...wholesome, nutritious and pure, just like it says on some of the trucks that deliver it. But down on the farm where most of us never see? Some Florida farmers have been quietly squeezing more cash from their cows by injecting them with an artificial growth hormone so they'll produce more milk than nature intended.

Thurman Hatten, Florida Dairy Farmer: Yes, I would say people in Florida are using it.

Jane Akre, Reporter: And you yourself?

Hatten: Aah...

Narration 2: Thurman Hatten is one of many Florida dairymen reluctant to admit that they're injecting their cows every two weeks...

Hatten: ...it's possible I could be using it.

Narration 3: The drug some Florida farmers don't want you to

know they're using is a Monsanto Laboratory version of bovine growth hormone, known as BGH. Here's how it works: when the cow gets injected with extra BGH, it stimulates the production of another hormone called IGF-1. That's really the stuff that speeds up the cow's metabolism, causing her to produce up to 30% more milk. But some scientists like Dr Samuel Epstein are warning that what might be good for the farmers' bottom line might be big trouble down the line for people drinking the milk from treated cows.

Dr Samuel Epstein, Scientist, University of Illinois: ...there are highly suggestive if not persuasive lines of evidence showing that consumption of this milk poses risks of breast and colon cancer.

Reporters were instructed not to include information that details the

basis for this frightening claim, leaving viewers unable to meaningfully understand it out of context and likely to just shrug it off as another unfounded "cancer scare" with no legitimate scientific basis whatsoever.

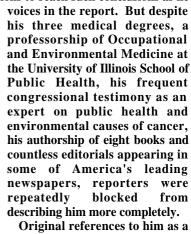
The artificial hormone works by increasing the cow's natural production of insulin-like growth factor (IGF-1). This is what "revs up" the cow, causing her mammary glands to produce more milk. The basis of Dr Epstein's concern-and that of others around the world—is that studies have shown that injecting cows with synthetic BGH causes an increase in IGF-1 levels found in the cow's milk. This is cause for concern because a growing body of evidence points to IGF-1 as a potential cancer promoter known to cause cell proliferation and tumour growth, particularly in the human colon and breast.

Narration 4: Dr Epstein is a scientist at the University of Illinois School of Public Health. He's earned three medical degrees, written eight

books and is frequently called upon to advise Congress about things in our environment which may cause cancer.

Reporters were repeatedly instructed to remove information that more completely details Dr Epstein's widely acknowledged expertise. The deliberate omission of those known facts minimises the credibility of this BGH critic and thereby slants the story in favour of the product.

Cancer warnings from "experts" with dubious qualifications have left viewers sceptical of all such claims. It is important for that reason, as well as for proof of responsible documentation, that viewers understand Dr Samuel Epstein's background and qualifications to reach such conclusions as he



Original references to him as a "reputable scientist(s)" which was acceptable in Versions 1–3, was later changed to "respected scientist(s)" which was acceptable in Version 11, and then "well-credentialed MD", which was okay in Versions 10–18 until, ultimate-

lane Akre, speaking at a genetic engineering conference

Jane Akre, speaking at a genetic engineering conference in St Louis, USA. (Photo: Nic Paget-Clarke)

ly, reporters were told no such reference was acceptable, making him sound like a run-of-the-mill academic with no specific or relevant expertise.

Reporters have located and confirmed more than a dozen

independent studies of the artifihormone, published post-FDA approval. These raise legitimate concerns about the risk of cancer to adults and children who drink milk from cows injected with BGH. Nonetheless, reporters were first instructed to mischaracterise the available research simply as "publicly available at the time of approval". When reporters demonstrated how that mandated language was inaccurate, they were instructed to call it "a body of peer-reviewed research". This is also inaccurate and deliberately misleads the viewer by presenting a distorted picture that fails to report more accurately and fully that many of the troubling findings are from recent research, and that the evidence of a cancer link appears to

be growing more clear.



Steve Wilson, addressing the audience in St Louis. (Photo: Nic Paget-Clarke)

Monsanto, on the other hand, contends the latest research confirms the overall safety of its synthetic hormone. In fact, the research Monsanto most frequently refers to is a study of the synthetic hormone's effects on BGH-treated cows monitored by Monsanto, not people who drink the cows' milk. Reporters were not allowed to make this fact clear in the report.

Dr Epstein and others, like Dr William von Meyer, point to what they say is a growing body of scientific evidence of a link between IGF-1 and human cancers, which might not show up for years to come.

Dr William von Meyer, Research Scientist: We're going to save some lives if we review this now. If we allow BGH to go on, I'm sure we're taking excessive risks with society.

Reporters were instructed to edit the first sentence of Dr von Meyer's quote, and thus deprive the viewer of the full thrust of his true position and meaning: that further scientific review of this situation could save human lives. Out of proper context, the viewer cannot understand the true possible importance of further review or that it is, in Dr von Meyer's view, an alternative to taking excessive risks.

Narration 5: Dr von Meyer has spent 30 years studying chemical products and testing their effects on humans. He's supervised many such tests on thousands of animals at schools such as the University of London and UCLA. He's headed agricultural, chemical and genetic research at some of America's most prestigious companies. His concerns about BGH have sparked an inquiry by Congressman Scott Klug, who wants to know just how BGH was ever approved for use in this country three years ago [1993], while a dozen European countries, Canada and New Zealand have all blocked the use of it there.

As with Dr Epstein, reporters were pressured to remove any reference to Dr von Meyer's qualifications to question the safety of the product, while being instructed to report Monsanto's contention that "the cancer experts don't see the health issue". Reporters were blocked from including the facts that Dr von Meyer has spent 30 years studying chemical products and testing their effects on humans, has supervised many such tests on thousands of animals at

schools such as the University of London and UCLA, and has headed agricultural, chemical and genetic research at some of America's most prestigious companies. Ultimately, reporters were instructed to broadcast a version which reduces the truth about Dr von Meyer to a simple reference to him as "a scientist in Wisconsin".

Monsanto is the giant chemical company which sells the synthetic hormone under the brand name Posilac...and Monsanto has consistently rejected the concerns of scientists around the world.

Dr Robert Collier, Chief BGH Scientist, Monsanto: In fact, the FDA has commented several times on this issue after there were concerns raised. They have publicly restated human safety confidence...this is not something knowledgeable people have concerns about.

Sound: (Calf in pen) Moo!

Narration 6: While other companies have dropped by the wayside, Monsanto has invested a mountain of money into bovine growth hormone. Company sales tapes encourage farmers to use it as a tool to milk more profits out of every cow.

Video clip, Monsanto sales tape: Of course you'll want to inject Posilac into every eligible cow, as each cow not treated is a lost income opportunity.

Narration 7: A number of critics, including at least one state agriculture commissioner, have called it "crack for cows" for the way it speeds up the cow's milk production...but despite its promise of profit, some dairymen say the product doesn't always lead to happy trails for the cows or for those who tend them.

Reporters were repeatedly told this colourful phrase ["crack for cows"] could not be used in a broadcast on Fox Channel 13, to avoid needlessly antagonising a possible plaintiff, Monsanto. Because the quote so accurately describes the effect of the hormone in a non-scientific way viewers can easily understand, reporters persisted by showing evidence of its

use by other responsible newspapers such as the *Boston Globe*, *St Louis Post-Dispatch*, *Time* and 11 other publications. Only after reporters located a report of the statement being made by a public official was it allowed to be included. And even then, in a further effort to discourage broadcast of the phrase, reporters were instructed it could not be used unless and until the now-former official was tracked down and could confirm that the eight-year-old quote was accurate and that he still felt that way today! Reporters located the man, now with the

USDA in Washington, and obtained the required confirmations.

Charles Knight, Florida Dairy Farmer: It's a tool that can be used, but you better be careful 'cause it can

Narration 8: Near Wachula, Charles Knight won't use Monsanto's synthetic BGH anymore. He is one of many farmers who say they've watched Posilac burn their cows out sooner, shortening their lives by maybe two years. Knight says he had to replace 75% of his herd due to hoof problems

and serious udder infections. Those are two of more than 20 potential troubles listed right on the product warning label. But apart from potential suffering for the animals, the major concern is how the hormone injected into the cow changes the milk that ends up on our tables.

burn you...

Dr Robert Collier: ...this is the most studied molecule certainly in the history of domestic animal science.

Despite intense scrutiny of every claim made by those opposing the Monsanto product, reporters were required to include this and other company claims without documentation of accuracy. Experts in the field of domestic animal science say this claim is demonstrably false.

Throughout the process of preparing the various versions of this report, reporters were repeatedly instructed to include unverified and even some outright false statements by Monsanto's dairy research director, whose doctorate degree is in dairy research. Among them:

"...suffice it to say the cancer experts don't see the health issue..."

"Posilac is the single most-tested product in history..."

As with Dr Epstein,

reporters were pressured

to remove any reference

to Dr von Meyer's

qualifications to

question the safety of

the product, while being

instructed to report

Monsanto's contention

that "the cancer experts

don't see the health

issue".

"He [Dr von Meyer] has no credentials in human safety evaluation."

At the same time, a markedly different standard—actual proof of each and every claim—was applied to statements, even expressions of opinion, made by Monsanto critics. If the higher, tougher standard of verification of their statements and opinions was not met, quotes critical of the product were ordered deleted from the report.

Reporters were also required to exhaustively research the backgrounds of those raising questions about the Monsanto product, while no similar efforts were required to ascertain the expertise of Monsanto company experts, who reporters know to have fewer credentials than some critics.

Narration 9: While that claim may be open to dispute, the Monsanto product did put the product through a decade's worth of testing before it was approved by the FDA's Center for Veterinary

Medicine as an animal drug. But that's part of the problem, according to many scientists who say that since BGH alters the milk we drink, it should meet the higher safety standards required of human drugs. The critics say tests on BGH milk that could have answered these concerns about long-term risk to humans were just never done.

Whether there is in fact anything different about a glass of milk you drink from a BGH-treated cow is at the heart of human health concerns about the product. The reporters' research uncovered several studies, including one frequently cited by Monsanto, which indicate that

the milk is indeed different. Several have shown that levels of the suspected cancer link IGF-1 are significantly higher in milk from treated cows—up to 20 times higher, according to one study. Other studies confirm higher antibiotic levels in the milk, as farmers inject cows with more drugs to fight BGHcaused infections.

Fox directed reporters to "neutralise" these key facts by reporting that studies show the milk is "affected", as opposed to "altered". Deliberately failing to explain that the "effect" includes a markedly

increased level of a known cancer promoter seriously slants this story and misleads the viewer.

Reporters were not allowed to explore the potential inadequacy of BGH testing on the grounds the FDA has already approved it as safe. "Are you [reporters] an expert on the way to test drugs?" counsel asked. "Is [BGH critic Dr William] von Meyer right and the FDA wrong?" Even after reporters provided textbook documentation that animal testing should last two full years to assure human safety from long-term carcinogenicity, this important issue was not allowed to be included in the report.

Citing Monsanto's repeated reminders about the FDA's ultimate approval of the drug, reporters were instructed never to characterise BGH testing as "short-term", nor allow any critic to do so. This further distorts the viewers' true

picture of the adequacy of the testing done before the substance entered their family's milk supply.

Dr William von Meyer: A human drug requires two years of carcinogenic testing and extensive birth defect testing. BGH was tested for 90 days on 30 rats at any dose before it was approved.

Dr Robert Collier: But suffice it to say the cancer experts don't see the health issue, and it's unfortunate the public is being scared by an issue that shouldn't be of concern.

Reporters were instructed to include this claim without contradiction, despite the knowledge by all that it is flatly, demonstrably false. A number of experts in the cancer fieldincluding two who appear in this very report—and countless others who have acted to prevent the product from being sold in at least 17 other countries obviously do see the health issue. Presenting this mis-statement as fact, without pointing to known facts which contradict the statement, is an obvious and

serious distortion of the truth.

Narration 10: Monsanto's dairy research director points to what the FDA has repeatedly said since the day it approved BGH back in 1993: "The public can be confident that milk and meat from BGH-treated cows is safe to consume." Nonetheless, influential food safety officials from around the world remain uncon-

Reporters were told not to report these blanket government assurances in the context that they are based primarily on Monsanto company studies which never

> looked at potential chronic, longterm human health effects. During a May 27 phone conference, counsel told reporters: "I want you to do exactly as I said. The FDA review says it's safe for humans. I just want a statement. That's what I want for balance."

> In fact, whatever counsel's stated motivation, viewers are seriously misled when such claims are presented outside the context of important related facts.

Just last summer, the members of an important United Nations committee again blocked efforts to give a vir-

tual green light to selling the drug around the world. For the second time in two years, the committee decided synthetic BGH needs more study.

Reporter Jane Akre stand-up: So just how many dairy cows in Florida are being injected with this synthetic hormone? No one knows for sure, but it's enough to virtually assure that at least some of the milk in every jug you bring home from the supermarket these days comes from treated cows.

Clip of consumer protestors chanting: No more BGH, no more BGH ...

Narration 11: Tomorrow: how consumers across America have fought to stop the use of the drug...and why here in Florida you can't know if the supermarket milk on your family's table comes from treated or untreated cows.

Sound: (Milk being poured into tall glass)

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PART II

Sound: (Cow in field) Moooo!

Narration 1: You won't find Ol' Flossie and Bossie on Fred Gore's dairy farm in Zephyr Hills. On Fred's farm, all the cows have numbers instead of names—and they're watched by electronic eyes, 24 hours a day.

Fred Gore, Florida Dairy Farmer: ...they help tell me if proper procedures are being followed.

Narration 2: At a modern dairy farm, cows wear transponders that even tell a computer how much milk they gave today.

Farmer Gore: She's giving 121 pounds a day.

Narration 3: In the competitive business of dairy farming these days, productivity is paramount. That's why Fred Gore and others like him were all ears when the giant Monsanto chemical company started promoting its new product called Posilac.

Clip from Monsanto sales tape: Posilac is the single mosttested product in history and it helps increase your profit potential.

Narration 4: Monsanto promised that Posilac—a laboratory version of the cow's natural growth hormone—could get Ol' 2356 and her friends to produce up to 30% more milk. That was good news to Florida farmers, who need all the help they can get in a state where high heat, humidity and little local grain make dairy farming a struggle. The "promise of Posilac" sounded great to dairyman Charles Knight...but he says it didn't turn out that way.

Charles Knight, Florida Dairy Farmer: About the same time, we began having a lot of foot problems with our cows...they got so crippled they couldn't walk.

Narration 5: Right after he started using the drug on his herd near Wachula three years ago, Knight says his animals were plagued with those problems and serious infections of their udders. Troubles he attributes to Posilac eventually caused him to replace the majority of his herd. He says that when he called dairy experts at the University of Florida and at Monsanto, they both had the same response.

Farmer Knight: It was, like, overwhelming because they said, "You're the only person having this problem, so it must be what you're doing here; you must be having management problems."

Narration 6: The University of Florida, by the way, did much of the research on BGH and has received millions in gifts and grants from Monsanto. Knight says neither the university nor the

company ever mentioned Monsanto research that showed hundreds of other cows on other farms were also suffering hoof problems and mastitis, a painful infection of the cow's udders. If untreated, the infection can get into the cow's milk, so farmers try to cure it by giving the cow shots of antibiotics...more drugs that can find their way into the milk on your table, which could make your own body more resistant to antibiotics.

Dr Michael Hansen, Scientist, Consumers Union: So for example, if you drank milk that had residues of erythromycin in it, then bacteria in your stomach could pick up resistance to that erythromycin, so that if you came down with an illness you wouldn't be able to use erythromycin to treat it.

Narration 7: Dr Michael Hansen, a scientist with Consumers Union, is not alone in his concern. The investigative arm of

Congress and, more recently, an important group of food safety experts from around the world have raised this very concern related to the use of Monsanto's drug. Even the Posilac label warns: "...use of Posilac is associated with increased frequency of the use of medication in cows for mastitis..." Citing thorough study of the product both before and after approval by the FDA, Monsanto insists there are safeguards in place to detect any potential problem with antibiotics in the milk.

Dr Collier: Not only is every tank truckload tested, but a sample is taken from every bulk tank; that way, if a truck is found to be contaminated, you have to be able to identify which farm it came from.

Narration 8: At the Tampa Dairy Co-op, checks are routine but Co-op officials admit the testing is just not thorough enough to detect the many antibiotics a farmer could use. More complete checks are done by a few grocers and by the state, but only on a spot basis.

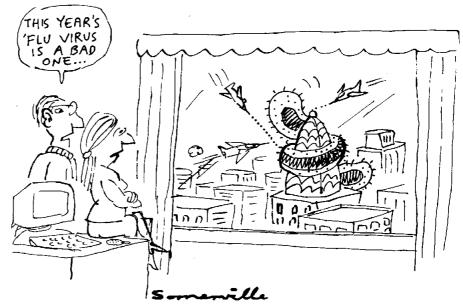
Dr Hansen: In fact, there are over 60 drugs that they believe can be used on farms, and they test for a very small percentage of them

File video of consumer protestors chanting: Boycott BGH, boycott BGH...

Narration 9: Demonstrations against the product when it was approved three years ago showed Americans were not very supportive of injecting dairy cows with synthetic growth hormones. This University of Wisconsin study conducted just last year says 74% of consumers are worried about unknown harmful human health effects of BGH, which might not show up until later. And outside the US, officials in other countries also remain sceptical.

The potential long-term human health effects is the bottom line to the series as a whole. The important concern this series investigates is the suspected link between long-term human consumption of BGH milk and the potential development of cancer. Nevertheless, reporters were repeatedly instructed to camouflage concerns about cancer by not using the word in any script after an initial reference in Part I and substituting "human health implications" as a euphemism, one which most viewers would not link to cancer.

This deliberately misleads viewers by omission, depriving them of information which would let them judge for themselves the seriousness of concern stated by responsible



scientists and others around the world. Again, is the concern a toothache or a tumour?

Dr Collier: There are no human or animal safety issues that would prevent approval in Canada once they've completed their review—not that I'm aware of.

Monsanto's leading BGH expert categorically denies knowing of well-publicised human health concerns in Canada where the product is unapproved. Reporters were instructed to minimise this expert's denial by slanting the broadcast to state that he "downplayed" Canadian concern, as opposed to accurately reporting the Canadian concern is "a fact Dr Collier denies".

Narration 10: But long-term human safety is exactly the concern expressed by a Canadian House Committee on Health. Here are the minutes of a 1995 meeting, where members voted to ask Canada's Health Minister to try to keep BGH off the market for at least two more years. Why? "...to allow members of Parliament to further examine the human health implications" of the drug.

It's still not legal to sell the unlicensed product north of the border, despite the company's efforts to gain the approval of government regulators.

Sound: Monsanto, Canada, whose representative allegedly raised the subject of money...

Narration 11: In the fall of 1994, Canadian television quoted a Canadian health official as reporting Monsanto offered \$1–2 million if her government committee would recommend BGH approval in Canada with-

out further data or studies of the drug. Another member of her committee, who was present when Monsanto made the offer, was asked: "Was that a bribe?"

File video clip of CBC documentary, CBC correspondent to committee member: Is that how it struck you?

Dr Edwards: Certainly!

Jane Akre on camera: Monsanto said the report alleging bribery was "a blatant untruth", that Canadian regulators just didn't understand the offer of the money was for research. Monsanto demanded a retraction. The Canadian Broadcasting Company stands by its story.

Narration 12: Elsewhere, New Zealand and a dozen other countries—all members of the European Union—are also unconvinced about BGH. The product has been banned in Europe at least until the year 2000. Could scepticism about the safety of BGH around the world be fuelled by memories of earlier Monsanto products?

Dr Hansen: Monsanto has a very chequered history with some of its other products...

Narration 13: Dr Michael Hansen of Consumers Union is another American scientist still very sceptical about BGH. He says Monsanto was wrong years ago when it convinced the government PCBs were safe. Those were put inside electrical conductors for years...until researchers in Japan and Sweden showed serious hazards to human health and the environment.

And you've heard of Agent Orange, 2,4,5-T, the defoliant used in Vietnam? Monsanto convinced the government that it, too, was safe. It was later proved to be extremely harmful to humans...and a government investigator found what she said was

"a clear pattern of fraudulent content in Monsanto's research" which led to approval.

In the case of BGH, Monsanto was required to promptly report all complaints from farmers. Florida dairyman Charles Knight says he was complaining loud and clear that Posilac was decimating his herd...but four months later? He found that the company had not passed one of his complaints to the FDA as required.

Charles Knight, Florida Dairyman: ...so how many more hundreds of complaints out there sat and were not registered with FDA?

Narration 14: Monsanto admits a long delay in reporting Knight's complaints. A company spokesman claims that despite a series of on-farm visits and telephone conversations with Knight, it took four months for them to understand he was complaining about BGH. As for those safety claims for previous Monsanto products that turned out to be dangerous, the company offered no comment. But back now to the dairy co-op here in Tampa and the use of synthetic BGH by local farmers.

A Florida dairyman told reporters—and Monsanto later confirmed—that the company failed to make reports to

government officials about adverse BGH reactions in cattle. Those reports were required as part of the research which led to US government monitoring.

The reporters' investigation also uncovered an EPA investigative report that concluded Monsanto showed "a clear pattern of fraudulent content" in the research that led to approval of its product, dioxin, years ago. Reporters felt this was a fact directly relevant to helping viewers determine Monsanto's credibility in

making its claims about its latest product, BGH.

Reporters were instructed to ignore the company's previous withholding of scientific data and not to compare it to what happened in the Knight case, for fear of appearing to be "building a case against Monsanto". Though undeniably true, Fox feared a claim of "defamation by implication", a matter that could not be won by summary judgement.

Reporters were told that if not winnable at summary judgement, the facts were not reportable on Fox 13: "The point you [reporters] don't get is it's not whether the facts are true, it's the way we present them. Summary judgement is my standard; those are my marching orders," reporters were told on May 29 [1997]. "I don't decide what goes on the air; [Fox General Manager] Dave Boylan does, and he wanted this one to go away," counsel claimed.

Reporter Jane Akre to Riley Hogan, Tampa Dairy Co-op: Have you ever got a communication from a grocer or processing plant asking your members not to use it?

Riley Hogan: No, ma'am.

Narration 15: When we continue tomorrow, you'll see the man who controls much of Florida's milk supply admit how local supermarkets did once try to avoid milk from Florida cows injected with BGH. We'll show you exactly how their plan didn't work...and we'll reveal how the dairy industry has kept this issue so quiet for so long. It's only an issue if you make it an issue!

(Source: This article is edited from material posted on the BGH Bulletin website, http://www.foxBGH suit.com/.)

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